

**SAIBER LLC**

Nancy A. Washington  
Colin R. Robinson  
18 Columbia Turnpike, Suite 200  
Florham Park, NJ 07932  
(973) 622-3333  
nwashington@saiber.com

**LECLAIRRYAN**

Christopher L. Perkins (VSB No. 41783)  
Riverfront Plaza, East Tower  
951 East Byrd Street, Eighth Floor  
Richmond, VA 23219  
(804) 783-7550  
Christopher.perkins@leclairryan.com

Counsel for FM Facility Maintenance, LLC, f/k/a IPT, LLC

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

In re:

CIRCUIT CITY STORES, INC., *et al.*,  
  
Debtors.

Chapter 11

Case No. 08-35653

Jointly Administered

**CERTIFICATION OF NANCY A. WASHINGTON**

I, **NANCY A. WASHINGTON**, hereby certify and state as follows:

I am an attorney-at-law of the State of New Jersey, and a partner with the law firm of Saiber LLC, counsel for FM Facility Maintenance, LLC, f/k/a IPT, LLC (“FM”), in the above captioned matter. I submit this Certification in support of FM’s Objection to Circuit City Stores, Inc., et al.’s (collectively the “Debtor”) Fifty-Fourth Omnibus Objection to Claims

(Disallowance of Certain Late Claims) and Cross-Motion for the Entry of an Order Deeming its Administrative Expense Claim Timely Filed ("Objection").

1. Attached hereto as Exhibit A is a true and correct copy of the Administrative Claim of FM and cover letter.

2. Attached hereto as Exhibit B is a true and correct copy of the Federal Express Shipping Confirmation of the Administrative Claim of FM.

3. On June 30, 2009, according to the Federal Express tracking status, the Administrative Claim had arrived in California.

4. Attached hereto as Exhibit C is a true and correct copy of the letter dated July 1, 2009 from Federal Express.

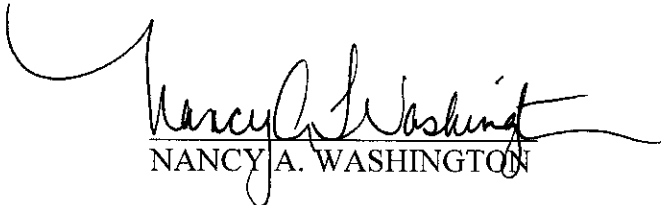
5. Attached hereto as Exhibit D is a true and correct copy of the letter dated July 2, 2009 from counsel for FM to counsel for the Debtor.

6. Attached hereto as Exhibit E is a true and correct copy of email correspondence dated July 5, 2009 between counsel for FM and counsel for Debtor.

7. Attached hereto as Exhibit F is a true and correct copy of email correspondence dated July 13, 2009 between counsel for FM and counsel for Debtor.

I hereby certify the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are determined to be willfully false, I may be subject to punishment.

Dated: November 16, 2009

  
NANCY A. WASHINGTON

## **EXHIBIT A**



**Saiber LLC**

One Gateway Center • 13th Floor  
Newark, New Jersey • 07102-5311  
Tel 973.622.3333 • Fax 973.622.3349  
www.saiber.com  
New York | Atlantic City | Point Pleasant Beach

Direct Dial Number:  
(973) 820-0054

E-Mail:  
crr@saiber.com

WILLIAM F. MADERER +  
DAVID J. D'ALOIA  
JEFFREY W. LORELL  
DAVID R. GROSS  
SEAN R. KELLY +  
ARNOLD B. CALMANN  
JOAN M. SCHWAB  
JENNINE DISOMMA  
JAMES H. FORTE  
VINCENT F. PAPALIA  
RANDI SCHILLINGER  
MICHAEL J. GERACHTY  
NINO A. COVIELLO  
AGNES I. RYMER  
JAMES H. GIANNINOTO  
MICHAEL H. COHEN  
NANCY A. WASHINGTON  
MARC C. SINGER  
SETH E. ZUCKERMAN  
MARC E. WOLIN  
DAVID A. COHEN  
LISA C. WOOD  
JEFFREY SOOS  
DANALYNN T. COLAO

SAMUEL S. SAIBER  
1979-2002  
GEOFFREY GAULKIN  
ALFRED M. WOLIN  
SPECIAL COUNSEL  
DAVID M. SATZ, JR.  
MORTON GOLDFEIN  
DAVID J. SATZ  
HEIDI WEGRYN GROSS  
OF COUNSEL  
GUY S. MICHAEL  
ROBERT J. CARROLL  
MICHAEL J. WILDES  
ROBERT B. NUSSBAUM  
MELISSA A. PROVOST  
CHRISTINA L. FICHERA  
COUNSEL  
MEMBER OF NJ & NY BARS  
MEMBER OF NJ & PA BARS  
MEMBER OF NJ, NY & CT BARS  
CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A CIVIL  
AND CRIMINAL TRIAL ATTORNEY  
CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A CIVIL  
TRIAL ATTORNEY

GREGORY T. DENNISON  
JENNIFER R. O'CONNOR  
PAOLA CIAPPINA HEMSLEY  
COLIN R. ROBINSON  
MARK A. RONEY  
JACK CHAN  
DANIELE N. HANKIN  
JEFFREY J. PASEK  
JOHN H. NOORLANDER  
MELISSA A. NATALE  
LAUREN M. LIMAURO  
RINA G. TAMBURRO  
UNA YOUNG KANG  
KATHERINE A. ESCANLAR  
JAKOB B. HALPERN  
MICHAEL J. GROHS  
DAVID A. FARKOUH  
MATTHEW A. CATANIA  
AMY K. SMITH  
JANE JHUN  
GERI L. ALBIN  
CHRISTLE R. GARVEY  
CHRISTOPHER J. TURANO

June 29, 2009

**VIA FEDERAL EXPRESS**

Circuit City Store, Inc., et al.  
Claims Processing Department  
Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245

**In Re: Circuit City Stores, Inc., et al.**  
**Case No. 08-35653**

Dear Sir/Madam:

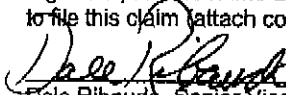
Enclosed please find an original and one copy of the Administrative Expense Request with regard to the above matter.

Kindly file the original Administrative Expense Request and return a stamped "filed" copy in the enclosed, postage-prepaid envelope provided for your convenience.

Very truly yours,

COLIN R. ROBINSON

CRR/sr  
Enclosure

<b>UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA-RICHMOND DIVISION</b>		<b>REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE</b>	
In re: Circuit City Stores, Inc.		Case Number 08-35653	
NOTE: This form should not be used for an unsecured claim arising prior to the commencement of this case. In such cases, a proof of claim should be filed in accordance with Official Form 10			
Name of Creditor <small>(The person or other entity to whom the debtor owes money or property)</small>  FM Facility Maintenance, f/k/a IPT, LLC 10 Columbus Blvd., 4 <sup>th</sup> Floor, Hartford, CT		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of administrative claim. Attach copy of statement giving particulars.	
Name and address where Notices should be Sent:  Nancy A. Washington, Esq. Saiber LLC One Gateway Center-13 <sup>th</sup> Floor Newark, NJ 07102		<input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case  <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR		Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim dated _____	
1. BASIS FOR CLAIM <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Goods sold  <input checked="" type="checkbox"/> Services performed  <input type="checkbox"/> Money loaned  <input type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Taxes  <input type="checkbox"/> Other (describe briefly)         </div> <div style="width: 45%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)  <input type="checkbox"/> Wages, salaries and compensation (Fill out below)            Your social security number _____   <input type="checkbox"/> Unpaid compensation for services performed from _____ to _____  <div style="text-align: center;">(date) (date)</div> </div> </div>			
2. DATE DEBT WAS INCURRED: Various Dates			
3. TOTAL AMOUNT OF ADMINISTRATIVE EXPENSE REQUEST: \$731,293.46			
<input type="checkbox"/> Check this box if the request includes interest or other charges in addition to the principal amount of the request. Attach itemized statement of all interest or additional charges.			
4. Secured Claim			
<input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff) Brief Description of Collateral:			
<input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) Value of Collateral: \$ _____			
<input type="checkbox"/> Check this box if there is no collateral or lien securing your claim			
5. CREDITS AND SETOFFS. The amount of all payments on this administrative expense has been credited and deducted for the purpose of making this administrative expense request. In filing this administrative expense request, claimant has deducted all amounts that claimant owes to debtor.			
6. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary. See Exhibits A and B attached hereto.			
7. TIME-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date: 6/29/2009  Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)  Dale Ribaud, Senior Vice President & Chief Financial Officer			

Penalty for presenting fraudulent administrative expense request: fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571



INVOICE NUMBER: 5261  
INVOICE DATE: 06/26/09  
TERMS OF PAYMENT: Net 10

IPT, LLC (Doing Business As: FM Facility Maintenance)  
10 COLUMBUS BLVD, 4TH FLOOR  
HARTFORD, CT 06106  
Federal Identification # 34-1994464

REMIT Via ACH  
Remitting Instructions:  
Depository: Sovereign Bank  
Account Number: 50104946475  
Routing Number: 011075150  
Address: Sovereign Bank  
Hartford - Pearl Street Office  
100 Pearl Street  
Hartford, CT 06103

Circuit City Stores, Inc.  
9950 Maryland Drive  
Richmond, VA 23233

Accounts Receivable Laura Fredrickson  
Phone (860) 466-7400  
Fax (860) 466-7611

DESCRIPTION OF CHARGES		AMOUNT
CONSOLIDATED PM BILL	Post- Petition See detail on Billing PM Data Tab - Column E	\$ 706,540.53
SALES TAX	See detail calculation on Billing PM Data Tab - Column F	24,752.93
TOTAL INVOICE AMOUNT		\$731,293.46

All applicable sales, use, or gross receipts taxes associated with the services are the responsibility of the vendor and have been included in the total price.

**VOLUMINOUS  
SUPPORTING DOCUMENTS  
AVAILABLE UPON REQUEST**

## **EXHIBIT B**



**From:** TrackingUpdates@fedex.com  
**Sent:** Wednesday, July 01, 2009 12:21 PM  
**To:** Colin R. Robinson  
**Subject:** FedEx Shipment 797722213159 Delivered

---

This tracking update has been requested by:

Company Name: Saiber LLC  
Name: Saiber LLC  
E-mail: crr@saiber.com

---

Our records indicate that the following shipment has been delivered:

Reference: 9778-3  
Ship (P/U) date: Jun 29, 2009  
Delivery date: Jul 1, 2009 9:10 AM  
Sign for by: A.WILLIAMS  
Delivered to: Receptionist/Front Desk  
Service type: FedEx Priority Overnight  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 1.00 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 797722213159

Shipper Information	Recipient Information
Saiber LLC	Circuit City Stores, et al.
Saiber LLC	Claims Processing Department
1 GATEWAY CENTER; 13 TH FLOOR	2335 ALASKA AVE; KURTZMAN
NEWARK	CARSON CONSULTANTS, LLC
NJ	EL SEGUNDO
US	CA
07102	US
	90245

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:21 AM CDT on 07/01/2009.

[Learn more](#) about new ways to track with FedEx.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.

7/1/2009

## **EXHIBIT C**

3675 Airways Boulevard  
Memphis, TN 38118-4034  
Telephone 800.403.3339  
Fax 901.332.8283



**VIA FACSIMILE 973.622.3349  
and VIA U.S. Mail**

July 1, 2009

Mr. Colin Robinson  
Saiber, LLC  
1 Gateway Center  
Newark, NJ 07102

Dear Mr. Robinson:

This letter concerns your company's June 29, 2009 shipment to Kurtzman Carson Consultants in El Segundo, CA, on tracking number 797722213159.

Your package, which I have been advised contains time-sensitive documents, was scheduled for delivery by 10:30 a.m. on June 30. Unfortunately, the flight from Newark, NJ to our Memphis, TN sorting facility had mechanical problems and arrived in Memphis after the outbound flights had departed for their respective destinations on Tuesday morning. As a result, the shipment did not arrive at Hawthorne, CA office until today. The package was delivered at 9:10 a.m.; "A. Williams" signed for it.

On behalf of FedEx, I sincerely apologize for any inconvenience the late delivery may have caused. Arrangements have been made to credit the transportation charges for this shipment.

We appreciate your use of FedEx and the services we offer. We look forward to serving your future express shipping needs.

Sincerely,

A handwritten signature in black ink, appearing to be "Yvette Davis".

Yvette Davis  
Customer Relations

yd/393504

## **EXHIBIT D**



**Saiber LLC**

One Gateway Center • 13th Floor

Newark, New Jersey • 07102-5311

Tel 973.622.3333 • Fax 973.622.3349

www.saiber.com

New York | Atlantic City | Point Pleasant Beach

WILLIAM F. MADERER °  
DAVID J. D'ALOIA  
JEFFREY W. LORELL °  
DAVID R. GROSS °  
SEAN R. KELLY °  
ARNOLD B. CALMANN °  
JOAN M. SCHWAB  
JENNINE DISOMMA °  
JAMES H. FORTE  
VINCENT F. PAPALIA  
RANDI SCHILLINGER °  
MICHAEL J. GERAGHTY °  
NINO A. COVIELLO °  
AGNES I. RYMER °  
JAMES H. GIANNINOTO °  
MICHAEL H. COHEN  
NANCY A. WASHINGTON  
MARC C. SINGER °  
SETH E. ZUCKERMAN  
MARC E. WOLIN °  
DAVID A. COHEN  
LISA C. WOOD  
JEFFREY SOGS  
DANALYNN T. COLAO °

SAMUEL S. SAIBER  
1999-2002  
GEOFFREY GAULKIN  
ALFRED M. WOLIN  
SPECIAL COUNSEL  
DAVID M. SATZ, JR.  
MORTON GOLDFEIN °  
DAVID J. SATZ  
HEIDI WEGRYN GROSS  
OF COUNSEL  
GUY S. MICHAEL °  
ROBERT J. CARROLL  
MICHAEL J. WILDES °  
ROBERT B. NUSSBAUM  
MELISSA A. PROVOST  
CHRISTINA L. FICHERA °  
COUNSEL  
° MEMBER OF NJ & NY BARS  
° MEMBER OF NJ & PA BARS  
° MEMBER OF NJ, NY & CT BARS  
+ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A CIVIL  
AND CRIMINAL TRIAL ATTORNEY  
° CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A CIVIL  
TRIAL ATTORNEY

GREGORY T. DENNISON  
JENNIFER R. O'CONNOR  
PAOLA CIAPPINA HEMSLEY  
COLIN R. ROBINSON °  
MARK A. RONEY  
JACK CHAN °  
DANIELE N. HANKIN °  
JEFFREY J. PASEK  
JOHN H. NOORLANDER °  
MELISSA A. NATALE  
LAUREN M. LIMAURO  
RINA G. TAMBURRO °  
UNA YOUNG KANG °  
KATHERINE A. ESCANLAR °  
JAKOB B. HALPERN  
MICHAEL J. GROHS °  
DAVID A. FAROUH  
MATTHEW A. CATANIA °  
AMY K. SMITH °  
JANE JHUN °  
GERI L. ALBIN °  
CHRISTLE R. GARVEY  
CHRISTOPHER J. TURANO °

July 2, 2009

**VIA ELECTRONIC MAIL**

Gregg M. Galardi, Esq.  
Ivan S. Fredericks, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM, LLP  
One Rodney Square  
PO Box 636  
Wilmington, Delaware 19899-0636

Dion W. Hayes, Esq.  
Douglas M. Foley, Esq.  
MCGUIREWOODS LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219

**In Re: Circuit City Stores, Inc., et al.**  
**Case No. 08-35653**

Dear Counsel:

We represent FM Facility Maintenance f/k/a IPT, LLC ("FM") in the above-referenced bankruptcy proceeding. FM is a facilities services company that provided post-petition services to Circuit City Stores, Inc. Accordingly, on June 29, 2009, we sent, via Federal Express priority morning delivery, FM's Administrative Expense Request for delivery and filing with the Debtors' claims agent, Kurtzman Carson Consultants, LLC (the "Claim Agent") on the following morning, June 30, 2009, the bar date. A copy of the FM's claim, the cover letter, and Federal Express confirmation of pickup and delivery are enclosed herein. On June 30, 2009, we monitored the tracking record for the package which indicated it was in California on June 30, 2009. However, on July 1, 2009, we were informed by Federal Express that the Federal Express flight carrying FM's Administrative Expense Request was delayed due to a "mechanical problem," causing the claim to be delivered to the Claims Agent at 9:10 a.m. on the morning of July 1, 2009. A copy of the correspondence from Federal Express confirming the "mechanical problems" and delivery of the claim are enclosed herein.

**Saiber**  
ATTORNEYS AT LAW

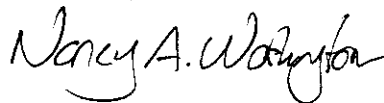
July 2, 2009  
Page 2

Despite this office's reasonable reliance on Federal Express' priority morning overnight delivery service, the Administrative Expense Request was delivered a few hours after the bar date. Given that the Administrative Expense Request was received by the Debtors' Claims Agent less than twenty-four hours after the bar date, the Debtors are not prejudiced in any way by the technically late filed claim. Additionally, we believe the late delivery of the claim caused by Federal Express' mechanical problems unequivocally constitutes "excusable neglect" that would support an application to accept the late filed claim if such application becomes necessary.

To avoid any unnecessary motion practice, however, we respectfully request that the Debtors agree to deem FM's Administrative Expense Request timely filed. A Stipulation and Order deeming FM's Administrative Expense Request timely filed is enclosed for your review and approval. The Debtors agreement to accept the Administrative Expense Request as timely shall in no way prejudice the Debtors' right to object to the claim on any other appropriate basis.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions. As you can imagine, we would prefer to resolve this issue as quickly as possible and would appreciate a response to our request as soon as possible but no later than July 13, 2009.

Very truly yours,



NANCY A. WASHINGTON

NAW/sr  
Enclosures

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:  CIRCUIT CITY STORES, INC., <i>et al.</i> ,  Debtors.	Chapter 11  Case No. 08-35653 (KRH)  Jointly Administered
--	---

**STIPULATION AND CONSENT ORDER RELATING TO ADMINISTRATIVE  
EXPENSE REQUEST OF FM FACILITY MAINTENANCE**

**WHEREAS**, on May 15, 2009, the Court entered its Order Pursuant to Bankruptcy Code Sections 105 and 503 and Bankruptcy Rules 2002 and 9007 (I) Setting Administrative Bar Date and Procedures for Filing and Objecting to Administrative Expense Requests and (II) Approving Form and Manner of Notice Thereof (the “Administrative Expense Request Order”); and

**WHEREAS**, the Administrative Expense Request Order set June 30, 2009 as the Administrative Bar Date; and

**WHEREAS**, on June 29, 2009, FM sent, via Federal Express priority morning delivery its Administrative Expense Request for delivery to the claims agent, Kurtzman Carson Consultants LLC (the “Claims Agent”) on June 30, 2009; and

**WHEREAS**, Federal Express failed to deliver the FM Administrative Expense Request to the claims agent until 9:10 a.m. on July 1, 2009, due to mechanical problems; and

**WHEREAS**, FM has requested and the Debtors have consented and agreed to deem FM’s Administrative Expense Request timely filed.

**NOW THEREFORE** on this \_\_\_\_\_ day of July 2009, it is:

**ORDERED** that FM’s Administrative Expense Request filed with the Claims Agent on July 1, 2009 is deemed timely filed; and it is further

**ORDERED** that Debtors' right to object to FM's Administrative Expense Request or dispute the Administrative Expense Request on any other appropriate basis, is expressly preserved.

We hereby agree to the form  
and entry of this Consent  
Order and Stipulation of Settlement

McGuireWoods LLP Counsel for the Circuit City Stores, Inc., <i>et al.</i> , Debtors and Debtor in Possession   By: _____	SAIBER LLC Counsel for FM Facility Maintenance f/k/a IPT, LLC   By: _____ Nancy A. Washington
---	---



## **EXHIBIT E**

**From:** Foley, Douglas M. [dfoley@mcguirewoods.com]  
**Sent:** Sunday, July 05, 2009 12:11 PM  
**To:** Colin R. Robinson; gregg.galardi@skadden.com; Hayes, Dion W.  
**Cc:** Nancy A. Washington; Blanks, Daniel F.; Ian Fredericks  
**Subject:** RE: In re Circuit City Stores, Inc.

Counsel - We will discuss with the Debtor and Committee and get back to you. In the interim, we agree that you do not need to file a motion at this time. Thanks. Doug.

---

**From:** Colin R. Robinson [mailto:CRobinson@saiber.com]  
**Sent:** Thursday, July 02, 2009 7:22 PM  
**To:** gregg.galardi@skadden.com; Foley, Douglas M.; Hayes, Dion W.  
**Cc:** Nancy A. Washington  
**Subject:** In re Circuit City Stores, Inc.

Counsel,

Please see attached correspondence. Thank you for your attention to this matter.

Colin R. Robinson

**Saiber**  
ATTORNEYS AT LAW

One Gateway Center, 13<sup>th</sup> Floor  
Newark, New Jersey 07102-5311

☎ Direct 973.820.0054 | ☎ Firm 973.622.3333 | ☎ Fax 973.622.3349

✉ Email: [crobenson@saiber.com](mailto:crobenson@saiber.com) | [my profile](#) | [www.saiber.com](http://www.saiber.com)

Newark | New York | Atlantic City | Point Pleasant Beach

\*\*\*\*\*

This e-mail and any documents accompanying this e-mail may contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this e-mail. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail information, is strictly prohibited and that the documents should be returned to Saiber LLC immediately. In this regard, if you have received this e-mail in error, please notify us by return e-mail or telephone (973-622-3333) immediately, delete the e-mail and all attachments and destroy all hard copies of same.

Circular 230 Disclaimer: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter(s) addressed herein.

11/16/2009

## **EXHIBIT F**

**From:** Foley, Douglas M. [dfoley@mcguirewoods.com]  
**Sent:** Thursday, August 13, 2009 10:27 AM  
**To:** Nancy A. Washington; Colin R. Robinson; gregg.galardi@skadden.com; Hayes, Dion W.  
**Cc:** Blanks, Daniel F.; Ian Fredericks  
**Subject:** RE: In re Circuit City Stores, Inc.  
**Attachments:** FM Late Admin Claim.pdf; FM Late Admin Claim - Amended.pdf; FM Proposed Stip.pdf

Nancy-

Thanks for your note. I have followed up again with the Committee regarding whether they have a position on your request to deem your late filed administrative claim timely filed under the "excusable neglect" standard as set forth in Colin's letter/proposed stip (attached). As soon as I hear something I will let you know. We have generally postponed considering these requests and similar pending motions - with the agreement of the late claimants - until plan confirmation and we would ask that you do the same without prejudice in not having filed a motion. As you know, the "excusable neglect" standard is a case-by-case fact specific analysis and is narrowly applied -- certainly in the EDVA. I also noticed that the original late filed administrative claim filed on July 1st (Claim No.14325 - \$731,293.46) as amended on July 28th (Claim No. 14525 - \$607,961.73) have not yet been objected to by the Debtors. Best regards,

Doug

**From:** Nancy A. Washington [mailto:NWashington@saiber.com]  
**Sent:** Wednesday, August 12, 2009 7:23 PM  
**To:** Foley, Douglas M.; Colin R. Robinson; gregg.galardi@skadden.com; Hayes, Dion W.  
**Cc:** Blanks, Daniel F.; Ian Fredericks  
**Subject:** RE: In re Circuit City Stores, Inc.

Doug,

It has been over 5 weeks since we requested the Debtor's agreement on the filing issue regarding FM Maintenance Facility's post-petition administrative claim. I have not heard back from counsel since your advice that you would get back to me regarding same (see thread below). Please advise. Thank you.

Nancy A. Washington

**Saiber**

ATTORNEYS AT LAW

One Gateway Center, 13<sup>th</sup> Floor  
Newark, New Jersey 07102-5311

☎ Direct 973.622.8398 | ☎ Firm 973.622.3333 | ☎ Fax 973.622.3349

✉ Email: [nwashington@saiber.com](mailto:nwashington@saiber.com) | [my profile](#) | [www.saiber.com](http://www.saiber.com)

Newark | New York | Atlantic City | Point Pleasant Beach

**From:** Foley, Douglas M. [mailto:dfoley@mcguirewoods.com]  
**Sent:** Sunday, July 05, 2009 12:11 PM  
**To:** Colin R. Robinson; gregg.galardi@skadden.com; Hayes, Dion W.  
**Cc:** Nancy A. Washington; Blanks, Daniel F.; Ian Fredericks  
**Subject:** RE: In re Circuit City Stores, Inc.

Counsel - We will discuss with the Debtor and Committee and get back to you. In the interim, we agree that you do not need to file a motion at this time. Thanks. Doug.

11/16/2009

**From:** Colin R. Robinson [mailto:CRobinson@saiber.com]  
**Sent:** Thursday, July 02, 2009 7:22 PM  
**To:** gregg.galardi@skadden.com; Foley, Douglas M.; Hayes, Dion W.  
**Cc:** Nancy A. Washington  
**Subject:** In re Circuit City Stores, Inc.

Counsel,

Please see attached correspondence. Thank you for your attention to this matter.

Colin R. Robinson

**Saiber**

ATTORNEYS AT LAW

One Gateway Center, 13<sup>th</sup> Floor  
Newark, New Jersey 07102-5311

☎ Direct 973.820.0054 | ☎ Firm 973.622.3333 | ☎ Fax 973.622.3349

✉ Email: [crobenson@saiber.com](mailto:crobenson@saiber.com) | [my profile](#) | [www.saiber.com](http://www.saiber.com)

Newark | New York | Atlantic City | Point Pleasant Beach

\*\*\*\*\*

This e-mail and any documents accompanying this e-mail may contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this e-mail. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail information, is strictly prohibited and that the documents should be returned to Saiber LLC immediately. In this regard, if you have received this e-mail in error, please notify us by return e-mail or telephone (973-622-3333) immediately, delete the e-mail and all attachments and destroy all hard copies of same.

Circular 230 Disclaimer: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter(s) addressed herein.

11/16/2009